

United States District Court
Northern District of California

VOLUMECOCOMO APPAREL, INC. a
corporation,

Plaintiff,

v.

EXPEDITORS INTERNATIONAL OF
WASHINGTON, INC. A CORPORATION;
EXPEDITORS INTERNATIONAL OCEAN,
a business entity of unknown type,

Defendants.

Case No.: CV 11-04201 SC (KAW)

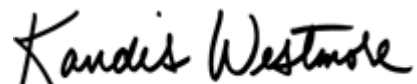
ORDER

On May 23, 2012, Plaintiff Volumecocomo Apparel, Inc. filed an *ex parte* application to shorten time on its motion to compel Defendant Hanjin Shipping Co., Ltd.'s production of designated expert John E. Riley, or, in the alternative, to preclude use of said expert's testimony or report at trial, and motion for fees/expenses under Federal Rule of Civil Procedure 37(b)(B) and (C) and Civil Local Rule 37-4. Defendant Hanjin did not oppose, or otherwise respond to, the motion to shorten time.

On May 30, 2012, the parties met with the Court telephonically, and agreed to hold Mr. Riley's deposition on June 7, 2012 at 9:30 a.m. in Long Beach, California. Therefore, the single remaining issue before this Court is whether to award fees and expenses under Rule 37 and Local Rule 37-4. Having reviewed the papers, Plaintiff's motion for fees and expenses is DENIED due to Plaintiff's failure to comply Local Rule 37-4 and "itemize with particularity the otherwise unnecessary expenses, including attorneys fees, directly caused by the alleged violation or breach...." Civ. L. R. 37-4(b)(3).

IT IS SO ORDERED.

Dated: May 31, 2012


KANDIS A. WESTMORE
U.S. Magistrate Judge